

REMARKS/ARGUMENTS

Claims 18-21, 28, 45, 46 and 50-53 have been allowed. Claims 9, 16, 17, 29, 31, 35, 37, 39, and 40 have been rejected. Claims 10, 11 and 41 depend from rejected Claim 9. Claims 12-15, 22-27, and 47-49 have been withdrawn from consideration. Claims 5-8 have been cancelled. Certain claims have been revised for clarity or to conform to U.S. practice. No new matter has been added.

The Applicants reviewed the Restriction Requirement with Examiner O'Sullivan on December 11, 2006. It was suggested that the Applicants cancel at least the non-elected claims of Group II (Claims 5-8), which are directed to peptides. With respect to the remaining claims directed to chemical structures such as the two ringed structure in Claim 9, the limitation of X^1 in Claim 9 to CH_2 , CO , and $CHOH$ was discussed. The Applicants submit that the other X^1 groups (i.e., those with R^{21} - R^{25}) be retained as part of the elected subject matter, because they merely involve a substituted methylene at X^1 . The Applicants agreed to further clarify the structures referred to with dotted lines, i.e., that when the extra bond represented by the dotted line was absent, that the terminal carbons had hydrogen atoms.

Restriction/Election

The Applicants previously elected with traverse Group II (Claims 9-29, 35 and 38-40), drawn to a benzene derivative. A further election of the species depicted by Claim 19 was made. Group I (Claims 5-8), directed to a peptide, and Group III, Claims 31 and 37, directed to a method for inhibiting activator protein (AP-1) by administering the benzene compound of Claim 9, were withdrawn from consideration.

Claim Status:

Claims 5-8 (Group I), directed to a peptide, have been cancelled without prejudice.

Claims 31 and 37 (Group III) were previously rejoined by examination.

Claims 12-15, 22-27 and 47-49 (Group II), directed to benzene derivatives, were indicated as being withdrawn from consideration in the Official Action of March 25, 2004.

Rejection--35 USC 112, Second Paragraph

Claims 9, 16, 17, 29, 31, 35, 37, 39 and 40 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. When the additional carbon-carbon bond represented by the hashed line is not present, additional hydrogen atoms are present on the two carbons on each end of this bond so each carbon has four bonds. When the double bond is present then each carbon has four bonds attached to it as depicted by the solid and hashed lines. Support for these structures is found in the specification on pages 7-8. This is consistent with conventional chemical nomenclature, for example, when benzene and phenyl rings are depicted without specifically identifying all the hydrogens. In view of this clarification, the Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)


Thomas M. Cunningham, Ph.D.

Reg. No. 45,394